

**OPINION
58-142**

August 27, 1958 (OPINION)

INSANE, FEEBLEMINDED, TUBERCULAR

RE: Tuberculars, Car Of Appropriation

Re: Chapter 197 of the 1957 Session Laws, Section 25-0512,

Subsection 7 of the 1957 Supplement to the N.D.R.C. of 1943

We have received your letter dated August 26, 1958, with reference to the above statute.

Subsection 7 of the above statutes reads as follows:

APPROPRIATION. There is hereby reappropriated from the unexpended balance of the 1955-1957 biennial appropriation for operation of the state tuberculosis sanatorium in the state treasury the sum of one hundred seventy-five thousand dollars or the unexpended balance thereof as of June 30, 1957, to the state board of administration for the renovation of the facilities at the San Haven sanatorium in preparation for the conversion of that institution to a state school for the feebleminded."

As of June 30, 1957, there remained money in excess of \$175,000.00 as an unexpended balance in this fund and the question is whether such excess is reappropriated or whether only \$175,000.00 thereof is reappropriated.

It seems obvious that when the Legislature reappropriated \$175,000.00 or any unexpended balance thereof that it intended \$175,000.00 as the maximum which was to be reappropriated from the original appropriation.

Had the Legislature intended to reappropriate any more than \$175,000.00 or had they intended to reappropriate all of the excess remaining in the original appropriation it would not have had to designate any definite sum. For this reason we believe the Legislature must have intended to reappropriate not to exceed \$175,000.00 or any lesser unexpended balance remaining in the original appropriation as of June 30, 1957.

LESLIE R. BURGUM

Attorney General